

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JASON JONES,

Plaintiff,

v.

STATE OF NEVADA,

Defendant.

Case No. 2:22-cv-00935-ART-BNW

ORDER

Pro se Plaintiff Jason Jones (“Jones”) brings this claim challenging the constitutionality of Senate Bill 182. (ECF No. 4-1.) He seeks: (1) to vacate his conviction; (2) have Senate Bill 182 “removed;” (3) “remove” any works “derived” from Senate Bill 182; (4) to receive a prevailing wage for the years he was incarcerated; and (5) to charge all individuals who were put on notice of the “facially defective Senate Bill 182.” *Id.* at 10. Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge Weksler (ECF No. 8), screening Plaintiff’s Complaint and recommending that Plaintiff’s Complaint be dismissed with prejudice Plaintiff’s motions (ECF Nos. 5 and 6) be denied as moot. For the reasons set forth below, the Court adopts the R&R.

Judge Weksler identified two primary problems with Plaintiff’s complaint. First, Plaintiff may not challenge his conviction under Section 1983. If a Section 1983 case seeking damages alleges constitutional violations that would necessarily imply the invalidity of a conviction or sentence, the prisoner must establish that the underlying sentence or conviction has been invalidated on appeal, by habeas petition, or through a similar proceeding. *See Heck v. Humphrey*, 512 U.S. 477, 483-87 (1994). Second, Plaintiff’s constitutional

1 challenge to Senate Bill 182 fails on the merits. Accordingly, Judge Weksler
2 recommends that Plaintiff's Complaint be dismissed because it lacks an arguable
3 basis either in law or in fact.

4 The Court "may accept, reject, or modify, in whole or in part, the findings
5 or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where
6 a party fails to object to a magistrate judge's recommendation, the Court is not
7 required to conduct "any review at all . . . of any issue that is not the subject of
8 an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v.*
9 *Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) ("De novo review of the
10 magistrate judges' findings and recommendations is required if, but *only* if, one
11 or both parties file objections to the findings and recommendations.") (emphasis
12 in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that
13 the Court "need only satisfy itself that there is no clear error on the face of the
14 record in order to accept the recommendation.").

15 Because Plaintiff did not object and the Court is satisfied that Judge
16 Weksler did not clearly err, the Court adopts the R&R.

17 IT IS THEREFORE ORDERED that Magistrate Judge Weksler's Report and
18 Recommendation (ECF No. 8) is accepted and adopted in full;

19 IT IS FURTHER ORDERED that the Clerk of the Court file (ECF No. 4-1)
20 as Plaintiff's Complaint and that Plaintiff's Complaint is DISMISSED WITH
21 PREJUDICE;

22 IT IS FURTHER ORDERED that Plaintiff's motions (ECF Nos. 5; 6) be
23 DENIED AS MOOT;

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1 IT IS FURTHER ORDERED that the Clerk of the Court enter Judgment
2 and administratively close this case.

3 DATED THIS 10th Day of March 2023.

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6 ANNE R. TRAUM
7 UNITED STATES DISTRICT JUDGE
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